

University of Michigan Journal of Law Reform

Volume 21

1988

Front Matter

Journal of Law Reform

Follow this and additional works at: <https://repository.law.umich.edu/mjlr>

Recommended Citation

Journal of Law Reform, *Front Matter*, 21 U. MICH. J. L. REFORM i (1988).

Available at: <https://repository.law.umich.edu/mjlr/vol21/iss3/1>

This Front Matter is brought to you for free and open access by the University of Michigan Journal of Law Reform at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in University of Michigan Journal of Law Reform by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

UNIVERSITY OF MICHIGAN

JOURNAL OF LAW REFORM

VOLUME 21
NUMBER 3
SPRING 1988

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN

UNIVERSITY OF MICHIGAN

JOURNAL OF LAW REFORM

VOLUME 21
NUMBER 3
SPRING 1988

CONTENTS

ARTICLES

- Preclusion and Procedural Due Process
in Rule 23(b)(2) Class Actions
Mark C. Weber 347
- The Effectiveness of Measures to
Increase Appellate Court Efficiency
and Decision Output
Thomas B. Marvell and Carlisle E. Moody 415
- An America's Cup for Tort Reform?
Australia and America Compared
Jeffrey O'Connell and David Partlett 443

NOTE

- Clearing the Roadblocks to Sobriety
Checkpoints 489

Cite as: U. MICH. J.L. REF.

Copyright © 1988 by the University of Michigan Law School. All rights reserved.

Published four times a year at Ann Arbor, Michigan. Third class postage paid at Atlanta, Georgia 30310. Printed at Darby Printing Company, Atlanta, Georgia 30310.

Subscriptions for Volume 21: United States and Canada, \$24.00 U.S. per year in advance; Foreign, \$27.00 per year.

Current Volume: Pornography Special Issue (21:1 & 2), \$12.50; Prior Volume: Comparable Worth Special-Issue (20:1), \$10.00. Single Issues, all volumes: \$7.50; reprints, all volumes: \$4.00. Back issues and volumes available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Journal* is turned over to a dealer, back issues are available to the *Journal* for a short time only. It is therefore necessary to ask that subscribers report the nonreceipt of copies within six months of the mailing date.

We gladly consider unsolicited manuscripts for publication. Manuscripts can be sent to the Editorial and Business Offices:

University of Michigan
Journal of Law Reform
University of Michigan Law School
Ann Arbor, Michigan 48109-1215

Indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546.

UNIVERSITY OF MICHIGAN

JOURNAL OF LAW REFORM

EDITORIAL BOARD

Volume 21

Editor in Chief
DOUGLAS A. GRAHAM

Managing Editor
BRADLEY G. LANE

Executive Note Editor
MICHAEL J. BOLTON

Executive Editor
CATHERINE L. KELLO

Articles Editors
KAREN L. BARR
ERIC W. ORTS
JONATHAN E. SMABY

Note Editors
LYNDA KAY CHANDLER
GAIL HARRIS
VINCENT J. HESS
MARK R. SOBLE

Associate Note Editor
CRAIG W. HAMMOND

*Research & Empirical
Development Editor*
MICHELLE E. ROBERTS

CONTRIBUTING EDITORS

JOHN R. ABDENOUR
VINCENT ATRIANO
ROBERT B. BECHERER
CARL C. BUTZER
ADAM J. DICKSTEIN
AMY L. DIXON
DAVID R. DOWNES

ALDEBARAN BOUSE ENLOE
TROY HARRIS
N. PETER KNOLL
RICHARD S. KUHL
FREDRICK S. LEVIN
ELISA C. MASSIMINO
ANTHONY G. MORROW

EDWARD A. MORSE
MARGO SCOTT
JOHN C. STUIVE
SCOTT A. TURPEL
NICOLE M. VAN ACKERE
JANET K. WELCH
RICHARD G. ZIEGLER

JUNIOR MEMBERS

DAVID H. BAUM
MICHAEL BERMAN
DIANE I. BONINA
DAVID J. CARNEY
BRUCE M. CHANEN
TAMARA L. DETLOFF
JOHN E. DUNN
HOLLY B. FECHNER
MICHELE L. FLIEGEL
GRANT P. GILEZAN
JOSEPH W. GIRARDOT

MICHAEL L. KIDNEY
W. DAVID KOENINGER
CAROL KRUEGER-BROPHY
DENISE KUHLMAN
MARGARET A. LATTIN
ALEX M. LIBERMAN
JOHN F. MAHONEY
ROBERT E. MALCHMAN
LISA B. MENDELSON
KATHRYN A. MRKONICH
SUSAN NORTH
MATTHEW M. PRESTON

FREDERICK RAMOS
REBECCA REDOSH
LUCY SANKEY RUSSELL
DANIELLA SALTZ
SRI K. SANKARAN
FREDERICK P. SHEINFELD
JANE A. SIGGELKOW
NANCY MORRIS SMITH
SAM WHITTEN
RUTH ZIMMERMAN
MARGARET ZVERINOVA

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

ROBBEN W. FLEMING, B.A., LL.B., LL.D., *Interim President of the University*
 JAMES J. DUDERSTADT, M.S. Ph.D., *Provost and Vice President for Academic Affairs*
 LEE C. BOLLINGER, B.S., J.D., *Dean*
 EDWARD H. COOPER, A.B., LL.B., *Associate Dean for Academic Affairs*
 SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs and Operations*
 BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., *Associate Dean for the Law Library*
 VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for Student Affairs*
 JONATHAN D. LOWE, B.A., J.D., *Assistant Dean for Law School Relations*
 ALLAN T. STILLWAGON, A.B., M.A., *Assistant Dean and Admissions Officer*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,
Edson R. Sunderland Professor of Law
 OLIN L. BROWDER, JR., A.B., LL.B., S.J.D.,
James V. Campbell Professor of Law
 ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D., LL.D.,
Henry M. Butzel Professor of Law
 LUKE K. COOPERRIDER, B.S., J.D.
 ROBBEN W. FLEMING, B.A., LL.B., LL.D.
 FRANK R. KENNEDY, A.B., LL.B., J.S.D.,
Thomas M. Cooley Professor of Law

MARVIN L. NIEHUSS, A.B., LL.B.
 GEORGE E. PALMER, A.B., J.D., LL.M.
 ROY F. PROFFITT, B.S., J.D., LL.M.
 JOHN W. REED, A.B., LL.B., LL.M., JUR. SC.D.,
Thomas M. Cooley Professor of Law
 ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D.
 RUSSELL A. SMITH, A.B., J.D.
 ERIC STEIN, J.U.D., J.D., DR.H.C., DR.H.C.,
Hessel E. Yntema Professor of Law

Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.
 LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
 LEE C. BOLLINGER, B.S., J.D.
 PAUL D. CARRINGTON, B.A., LL.B.
 DAVID L. CHAMBERS, A.B., LL.B.
 EDWARD H. COOPER, A.B., LL.B.
 ROGER A. CUNNINGHAM, S.B., J.D.,
James V. Campbell Professor of Law
 DONALD N. DUQUETTE,† B.A., J.D.
 PHOEBE C. ELLSWORTH, A.B., Ph.D.
 SAMUEL D. ESTEP, A.B., J.D.
 MERRIT B. FOX, B.A., J.D., Ph.D.
 RICHARD D. FRIEDMAN, B.A., J.D., D.Phil.
 BRUCE W. FRIER, B.A., Ph.D.
 WHITMORE GRAY, A.B., J.D., LL.D.
 THOMAS A. GREEN, B.A., Ph.D., J.D.
 LEON E. IRISH, B.A., J.D., D.Phil.
 JEROLD H. ISRAEL, B.B.A., LL.B.,
Alene and Allan F. Smith Professor of Law
 JOHN H. JACKSON, B.A., J.D.,
Hessel E. Yntema Professor of Law
 DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
 YALE KAMISAR, A.B., LL.B., LL.D.,
Henry King Ransom Professor of Law
 THOMAS E. KAUPER, A.B., J.D.,
Henry M. Butzel Professor of Law
 JAMES E. KRIER, B.S., J.D.

RICHARD O. LEMPERT, A.B., J.D., Ph.D.
 WILLIAM I. MILLER, B.A., Ph.D., J.D.
 SALLYANNE PAYTON, A.B., LL.B.
 WILLIAM J. PIERCE, A.B., J.D.
 BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
 DONALD H. REGAN, A.B., LL.B., B.Phil., Ph.D.
 THEODORE J. ST. ANTOINE, A.B., J.D.,
James E. and Sarah A. Degan Professor of Law
 TERRANCE SANDALOW, A.B., J.D.
 FREDERICK F. SCHAUER, A.B., M.B.A., J.D.
 CARL E. SCHNEIDER,** A.B., J.D.
 JOEL SELIGMAN, A.B., J.D.
 A. W. BRIAN SIMPSON, B.A., M.A., D.C.L.,
Charles F. and Edith J. Clyne Professor of Law
 PHILIP SOPER, B.A., M.A., J.D., Ph.D.
 JOSEPH VINING, B.A., M.A., J.D.
Harry Burns Hutchins Professor of Law
 LAWRENCE W. WAGGONER, B.B.A., J.D., D.Phil.,
Lewis M. Simes Professor of Law
 ANDREW S. WATSON, B.S., M.D., M.S. IN MED.
 JOSEPH WEILER, B.A., LL.B., Ph.D., LL.M.
 PETER K. WESTEN, B.A., J.D.
 JAMES BOYD WHITE, A.B., A.M., LL.B.,
L. Hart Wright Professor of Law
 JAMES J. WHITE, B.A., J.D.,
Robert A. Sullivan Professor of Law
 CHRISTINA B. WHITMAN, A.B., M.A., J.D.

Associate Professors of Law

REBECCA S. EISENBERG,** B.A., J.D.
 SAMUEL R. GROSS, A.B., J.D.

JESSICA D. LITMAN,** B.A., M.F.A., J.D.

Assistant Professors of Law

CLARK D. CUNNINGHAM,† B.A., J.D.
 LISA E. D'AUNNO,†† A.B., J.D.
 MARIE R. DEVENNEY, B.A., M.A., J.D.
 MARTIN A. GEER,† B.A., J.D.
 DAVID J. HERRING,†† B.B.A., J.D.
 AVERY KATZ,† B.A., M.A., J.D., Ph.D.
 LEO KATZ, B.A./M.A., J.D.
 JEFFREY S. LEHMAN, A.B., J.D., M.P.P.

RICHARD H. PILDES, A.B., J.D.
 MATHIAS W. REIMANN, DR. IUR., LL.M.
 PAUL D. REINGOLD,† B.A., J.D.
 DENNIS E. ROSS,** B.A., J.D.
 SUELLYN SCARNECCHIA,†† B.A., J.D.
 KENT D. SYVERUD, B.S.F.S., J.D., M.A.
 MARK C. VAN PUTTEN,† B.A., J.D.

Instructor in Law

MARY F. WHITE,† B.A., J.D.

Lecturer in Law

HERBERT A. JORDAN,† B.G.S., J.D.

*Visiting †Adjunct
 **On leave ††Clinical

UNIVERSITY OF MICHIGAN

JOURNAL OF LAW REFORM

ANNOUNCEMENT OF 1988-1989
EDITORIAL BOARD

Volume 22

Editor in Chief
DIANE I. BONINA

Managing Editor
JOSEPH W. GIRARDOT

Article Editors
MICHAEL L. KIDNEY
JOHN F. MAHONEY
JANE ANN SIGGELKOW

Executive Note Editor
HOLLY B. FECHNER

Executive Editors
W. DAVID KOENINGER
LUCY SANKEY RUSSELL

*Research & Empirical
Development Editor*
CAROL KRUEGER-BROPHY

Note Editors
MARGARET A. LATTIN
FREDERICK RAMOS
FREDERICK P. SHEINFIELD
NANCY MORRIS SMITH

Production Editor
ROBERT E. MALCHMAN

Associate Note Editor
MICHELE L. FLIEGEL

CONTRIBUTING EDITORS

MICHAEL A. BERMAN
DAVID J. CARNEY
BRUCE M. CHANEN
TAMARA L. DETLOFF
JOHN E. DUNN

REBECCA REDOSH EISNER
GRANT GILEZAN
ALEX LIBERMAN
LISA B. MENDELSON
KATHRYN A. MRKONICH
MATTHEW M. PRESTON

DANIELLA SALTZ
SRI K. SANKARAN
SAM WHITTEN
RUTH ZIMMERMAN
MARGARET ZVERINOVA

ASSOCIATE MEMBERS

DONNA L. BERRY
WILLIAM BOCK
NANCY E. BOOCKER
CHRISTOPHER BROCK
LAURA BURDE
SCOTT J. CAMPBELL
JULIE B. CROCKETT
CATHERINE L. DAVIES
TRACY D. DAW
PATTY DOST
CHRISTINE M. DRYLIE
ANDREA C. FARNEY

JOSEPH FOGEL
JAMES FOX
LOIS GIANNESCHI
SARAH L. HARPHAM
JONATHAN M. HEIMER
THOMAS HOWLETT
KATHRYN L. JOHNSON
JOHN S. KANE
JOSEPH M. KELLMAYER
CONSTANCE B. KIGGINS
SHARON E. KOHN
DIANE E. LIFTON

JEREMY MAKARECHIAN
STEVEN J. OLSON, JR.
TYLER PAETKAU
JEROME D. PINN
CLISSON REXFORD
MATTHEW ROSSER
MELANIE SABO
ADAM SHAYNE
TOM SIMON
JONATHAN D. STICK
JACOB WERKSMA
HEIDI J. WESTON